

Article - Health - General

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§19–2001.

(a) (1) In this subtitle the following words have the meanings indicated.

(2) “Client facility” means a health care facility that contracts with a health care staff agency for the referral of health care practitioners.

(3) “Health care facility” means a hospital or related institution as defined in § 19–301 of this title.

(4) (i) Except as provided in subparagraph (ii) of this paragraph, “health care practitioner” means any individual licensed or certified under the Health Occupations Article who:

1. Is a licensed practical nurse, registered nurse, or certified nursing assistant; or

2. Practices in an allied health care field, as defined by the Office in regulation.

(ii) “Health care practitioner” does not include:

1. An acupuncturist;

2. A dentist;

3. A nurse anesthetist;

4. A nurse midwife;

5. A nurse practitioner;

6. A pharmacist;

7. A physician; or

8. A podiatrist.

(5) (i) “Health care staff agency” means any person, firm, corporation, partnership, or other business entity engaged in the business of referring

health care practitioners as employees or independent contractors to render temporary health care services at a health care facility in the State.

(ii) “Health care staff agency” does not include:

1. A health care staff agency operated by a health care facility or its affiliates solely for the purpose of procuring, furnishing, or referring temporary or permanent health care personnel for employment at that health care facility or its affiliates;

2. A home health agency regulated under Subtitle 4 of this title; or

3. Any health care practitioners procuring, furnishing, or referring their own services to a health care facility without the direct or indirect assistance of a health care staff agency.

(6) “Initially providing or referring” means the first time a health care staff agency provides or refers a particular health care practitioner to a health care facility.

(7) “Office” means the Office of Health Care Quality in the Department.

(8) “Responsible party” means the individual at a health care staff agency who controls the day to day operation of the health care staff agency.

(b) (1) A health care staff agency shall be licensed by the Office before referring health care practitioners to a health care facility to render temporary health care services at a health care facility in this State.

(2) All health care staff agencies shall submit to the Office:

(i) The health care staff agency’s:

1. Business name;

2. Business address;

3. Business telephone number; and

4. Responsible party; and

(ii) Any other information the Office requires by regulation to ensure compliance with the provisions of this subtitle.

(c) (1) A health care staff agency shall notify the Office of any change in ownership, agency name, or address within 30 days of the change.

(2) Notwithstanding the provisions of subsection (g)(1) of this section, if a health care staff agency fails to notify the Office within the time required under this subsection, the Office may impose a fine of \$100.

(d) (1) Before initially providing or referring a health care practitioner to health care facilities to render temporary health care services, the health care staff agency shall verify the licensure or certification status of the health care practitioner.

(2) At the time a health care practitioner who is being referred to health care facilities by a health care staff agency must renew the health care practitioner's license or certificate, the health care staff agency shall:

(i) Submit the name and license or certificate number of the health care practitioner to the Office; and

(ii) Verify the licensure or certification status of the health care practitioner.

(e) A health care staff agency may not knowingly provide or refer an individual who is not licensed or certified under the Health Occupations Article to a health care facility to render health care services.

(f) (1) Except as provided in paragraph (2) of this subsection:

(i) If a health care staff agency knows of an action or condition performed by a health care practitioner provided or referred by that health care staff agency that might be grounds for action relating to a license or certificate issued under the Health Occupations Article, the health care staff agency shall report the action or condition to the appropriate health occupation board; and

(ii) An individual shall have immunity from liability described under § 5-709 of the Courts and Judicial Proceedings Article for making a report as required under this paragraph.

(2) A health care staff agency is not required under this subsection to make any report that would be in violation of any federal or State law, rule, or regulation concerning the confidentiality of alcohol and drug abuse patient records.

(g) (1) Subject to the provisions of Title 10, Subtitle 2 of the State Government Article, the Office may impose a penalty for a violation of any provision of this section:

(i) For a first offense, up to \$2,500 per violation or up to \$2,500 per day until the health care staff agency complies with the requirements of this subtitle;

(ii) For a second offense, up to \$5,000 per violation or up to \$5,000 per day until the health care staff agency complies with the requirements of this subtitle; and

(iii) For a third or subsequent offense, up to \$10,000 per violation or up to \$10,000 per day until the health care staff agency complies with the requirements of this subtitle.

(2) Each day a violation continues is a separate violation.

(h) A health care staff agency is not a health care provider.

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